

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

BROADCAST MUSIC, INC.; EMI BLACKWOOD)
MUSIC, INC.; HIDDEN PUN MUSIC, INC.; KISSING BOOTH)
MUSIC, INC.; TOTALLED, INC. d/b/a SUSHI TOO MUSIC;)
CARL PERKINS MUSIC, INC.; FOURTEENTH HOUR)
MUSIC, INC.; PRONTO MUSIC, a division of COTILLION)
MUSIC, INC.; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE)
PUBLISHING; WARNER- TAMERLANE PUBLISHING CORP.;)
UNIVERSAL-DUCHESS CORPORATION; EMI VIRGIN)
SONGS, INC. d/b/a EMI LONGITUDE MUSIC;)
PEERMUSIC III LTD.; STEPHANIE NICKS, an individual d/b/a)
WELSH WITCH MUSIC; SONY/ATV SONGS LLC d/b/a)
SONY/ATV ACUFF ROSE MUSIC; COMBINE MUSIC CORP.;)
SPRING-TIME MUSIC, INC.; ZOMBA SONGS INC.;)
PAUL A. GEORGE, LUCIEN GEORGE, CURTIS BEDEAU,)
BRIAN GEORGE, GERARD CHARLES and HUGH CLARKE,)
a partnership d/b/a FORCEFUL MUSIC; EMBASSY MUSIC;)
JOHN CAFFERTY, JR. d/b/a JOHN CAFFERTY MUSIC;)
FREDERICK S. BIENSTOCK and HAMMERSTEIN MUSIC &)
THEATRE COMPANY, INC., a Connecticut partnership d/b/a)
EDWARD B. MARKS MUSIC COMPANY; DANDELION)
MUSIC CO., a division of JAMIE MUSIC PUBLISHING CO.;)
STONE DIAMOND MUSIC CORP.; SHERYL SUZANNE CROW)
d/b/a OLD CROW MUSIC; JEFF TROTT d/b/a TROTTSKY)
MUSIC; UNIVERSAL-SONGS OF POLYGRAM)
INTERNATIONAL, INC.; FUEL PUBLISHING INC. d/b/a)
PENER PIG PUBLISHING; PAINTED DESERT MUSIC)
CORPORATION,)
Plaintiffs,)
)
v.) Civ.A.No.: 04cv12514NMG
)
GILLIAN'S SPORTS CAFÉ, INC. d/b/a GILLIAN'S SPORTS)
CAFÉ and KIMBERLY A. WHITE and DAVID W. WHITE, each)
individually,)
)
Defendants.)
)

MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, plaintiffs Broadcast Music, Inc. ("BMI") et al hereby move for a default judgment against defendants Gillian's Sports Café, Inc. d/b/a Gillian's Sports Café, Kimberly A. White and David W. White, said defendants having been properly served with process in hand on December 1, 2004, at their usual place of abode, and having failed to answer or otherwise respond to the Complaint within the time period set by rule.

Specifically, plaintiffs demand judgment against each said defendant as follows:

(1) That defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(2) That defendants be ordered to pay statutory damages in an amount equal to \$20,812.50, which is three times the license fees that BMI would have received had defendants complied with the copyright laws, and approximately \$1,000 per work infringed.

(3) That defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505, in an amount to be determined upon further submission.

The Affidavit of Larry E. Stevens is submitted herewith in support of the above-requested damage award.

Respectfully submitted,

Date: June 6, 2005

BROADCAST MUSIC, INC., et al,
Plaintiffs,

By their attorneys,

/s/ Amy C. Mainelli

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Certificate of Service

I, Amy C. Mainelli, hereby certify that I caused a copy of the foregoing Motion for Default Judgment and accompanying Affidavit to be served upon the defendants named therein by first class mail, postage prepaid, addressed to them at their respective places of business and home.

Date: June 6, 2005

/s/ Amy C. Mainelli

Amy C. Mainelli